

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

BLUE HILLS OFFICE PARK LLC,

Plaintiff, Defendant-in-Counterclaim.

v.

J.P. MORGAN CHASE BANK, as Trustee for the Registered Holders of Credit Suisse First Boston Mortgage Securities Corp., Commercial Mortgage Pass-Through Certificates, Series 1999-C1,

and

CSFB 1999 – C1 ROYALL STREET, LLC;

Defendants, Plaintiffs-in-Counterclaim,

v.

WILLIAM LANGELIER and GERALD FINEBERG,

Defendants-in-Counterclaim.

Civil Action No. 05-CV-10506 (WGY)

**MOTION OF DEFENDANTS AND COUNTERCLAIMANTS AND THEIR COUNSEL  
TO QUASH SUBPOENA AND FOR PROTECTIVE ORDER**

Pursuant to Rules 45(c)(3)(A) and 26(c), Fed. R. Civ. P., Defendants and Counter-claimants CSFB 1999 – C1 Royall Street LLC (“CSFB”) and J.P. Morgan Chase Bank as Trustee for the Registered Holders of Credit Suisse First Boston Mortgage Securities Corp., Commercial Mortgage Pass-Through Certificates, Series 1999-C1 (“Trustee”) (collectively, the “Lenders”), along with their counsel, DLA Piper Rudnick Gray Cary US LLP (“DLA Piper”), hereby move to quash the subpoena served on DLA Piper’s Keeper of Records on March 15, 2006 (“Blue Hills’ Subpoena”) seeking documents concerning attorneys fees and damages. The Lenders further move for a protective order precluding the plaintiff and defendants-in-

counterclaim from demanding of the Lenders the same documents they sought to obtain from Lenders' counsel through their Subpoena.

Blue Hills' Subpoena should be quashed and Lenders' motion for a protective order should be granted because: (1) the requests concerning attorneys' fees and costs are premature; (2) the requested documents are protected from disclosure by the work product doctrine and attorney-client privilege; (3) the request concerning Lenders' damages is duplicative and improper; and (4) Blue Hills' Subpoena violates the governing scheduling order in this action.

### Conclusion

For all of the above-stated reasons, and for the reasons set forth in the Memorandum in Support of Motion of Defendants and Counterclaimants and their Counsel to Quash Subpoena and for Protective Order, filed herewith, DLA Piper and the Lenders respectfully request that the Court grant their Motion to Quash Blue Hills' Subpoena and for Protective Order.

Respectfully submitted,

JP MORGAN CHASE BANK, as Trustee  
for the Registered Holders of Credit Suisse  
First Boston Mortgage Securities Corp.,  
Commercial Mortgage Pass-Through  
Certificates, Series 1999-C1 and CSFB  
1999-C1 ROYALL STREET, LLC,

By their attorneys,

/s/ Bruce E. Falby  
E. Randolph Tucker, BBO #503845  
Bruce E. Falby, BBO #544143  
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Dated: March 17, 2006

**CERTIFICATION UNDER MASS. R. CIV. P. 26(C) AND LOCAL RULES 7.1 & 37.1**

I hereby certify that the provisions of Mass. R. Civ. P. 26(c) and Local Rules 7.1 and 37.1 have been complied with. Counsel for defendants and plaintiffs-in-counterclaim CSFB 1999-C1 Royall Street, LLC and J.P. Morgan Chase Bank have conferred in good faith with counsel for plaintiff Blue Hills Office Park LLC and defendants-in-counterclaim William Langelier and Gerald Fineberg, both in person and by letter, but were unable to resolve or narrow the issues presented in the foregoing motion to quash subpoena and for protective order.

/s/ Bruce E. Falby  
Bruce E. Falby, Esq.